

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION**

JAMES ARTHUR ROSS,

Plaintiff,

No. 2:20-cv-01338-SB

v.

ORDER

TYLER BLEWETT, et al.,

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Stacie Beckerman. ECF No. 51. Judge Beckerman recommends that Plaintiff's Motion for Preliminary Injunction, ECF No. 38, be denied. Plaintiff has also filed a "Motion for Hearing and 2nd Emergent Case Update," ECF No. 68, which has been referred to this Court by Judge Beckerman.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."). Although no review is required in the absence of objections, the Magistrates Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court should review the recommendation for "clear error on the face of the record."

In this case, Plaintiff has filed Objections, ECF No. 53, and Defendant has filed a Response, ECF No. 54. Although reply briefs are not ordinarily permitted, Plaintiff has filed one, ECF No. 55, and, in light of Plaintiff's pro se status, the Court has reviewed the Reply. The Court has reviewed the record, the F&R, the Objections, Response, and Reply and finds no error. The F&R, ECF No. 51, is therefore ADOPTED. Plaintiff's Motion for Preliminary Injunction, ECF No. 38 is DENIED. Plaintiff's Motion for Hearing, ECF No. 68, is likewise DENIED.

It is so ORDERED and DATED this 25th day of August 2022.

/s/Ann Aiken
ANN AIKEN
United States District Judge